

**MINUTES OF THE REGULAR MEETING  
ZONING BOARD OF APPEALS  
TOWN OF NEW HARTFORD MUNICIPAL BUILDING  
SEPTEMBER 20, 2021**

The Regular Meeting was called to order by Chairman Randy Bogar at 6:00 P.M. Board Members present John Montrose, Byron Elias, Karen Stanislaus, Lenora Murad and Fred Kiehm. Board Member absent: Michele Mandia. Also in attendance were Town Attorney Herbert Cully, and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting.

\*\*\*\*

The application of **Allied Sign Company for Buff City Soap, Consumer Square, New Hartford, New York**. Zoning in this area is C1 Commercial Retail. The applicant is proposing a 122.5± square foot wall sign. With the width of the store front, the approved size for the wall sign should be 69.5± square feet. This necessitates the applicant to seek a 53± square foot Area Variance for their wall signage. Tax Map #317.013-3-23; Zoning: C1 Commercial Retail. The applicants at the August 16, 2021 meeting addressed the Board as to why they needed this additional signage.

Board Members in attendance reviewed the application.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member John Montrose to **approve** the application as requested/submitted; Also, that a Building Permit be obtained within one year of approval date; seconded by Board Member Byron Elias. Vote taken:

Chairman Randy Bogar - yes  
Board Member Karen Stanislaus – abstained  
Board Member Lenora Murad – abstained

Board Member John Montrose – yes  
Board Member Fred Kiehm - yes  
Board Member Byron Elias - yes

Motion was **approved** by a vote of 4 – 0. (2 abstentions).

\*\*\*\*

The application of **Allied Sign Company for Brite Orthodontics, Consumer Square, New Hartford, New York**. Zoning in this area is C1 Commercial Retail. The applicant is proposing a 49.36± square foot wall sign for the front of the building. With the width of the store front, the approved size for their wall sign should be 26.25± square feet. This necessitates the applicant to seek a 23± square foot Area Variance for their wall signage. Tax Map #317.013-3-23; Zoning: C1 Commercial Retail. The applicant at the August 16, 2021 meeting addressed the Board as to why they needed this additional signage.

Board Members in attendance reviewed the application.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: no, all in agreement.

Motion was made by Board Member Byron Elias to **approve** the application as requested/submitted; Also, that a Building Permit be obtained within one year of approval date; seconded by Board Member Fred Kiehm. Vote taken:

Chairman Randy Bogar - yes  
Board Member Karen Stanislaus – abstained  
Board Member Lenora Murad – abstained

Board Member John Montrose – yes  
Board Member Fred Kiehm - yes  
Board Member Byron Elias - yes

Motion was **approved** by a vote of 4 – 0. (2 abstentions).

\*\*\*\*

The Board Members reviewed the draft minutes of the August 16, 2021 meeting. Motion was made by Board Member Fred Kiehm to approve as written; seconded by Board Member John Montrose. All in favor.

\*\*\*\*

There being no further business, the meeting adjourned at approximately 6:15 P.M.

Respectfully submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals/dbs